

IN RE: PETITION FOR SPECIAL HEARING

N/S Wycliffe Road, 260' SE
of centerline Park Drive
9th Election District
6th Councilmanic District
(2606 Wycliffe Road)

Margaret B. Henck
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-475-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing filed by the legal owner of the subject property, Margaret Henck. The special hearing request is for property located at 2606 Wycliffe Road, located in the Parkville area of Baltimore County. The Petitioner is requesting approval of the continued use of the subject property as a two-apartment dwelling.

Appearing at the hearing on behalf of the special hearing request were: Margaret Henck, the property owner, James Patton, professional engineer, Nancy Critchfield, Mary Frantz, Michael Anders and Elizabeth Scarpolla, all residents of the community. The Petitioner was represented by James McAteer, attorney at law. Appearing in opposition to the Petitioner's request were: Kim Piunti and Pam Messina who reside across the street at 2605 Wycliffe Road.

Testimony and evidence indicated that the property which is the subject of this special hearing request consists of 0.133 acres, more or less, zoned D.R.5.5. The subject property is improved with a one and one-half story framed dwelling which exists today as two separate apartments. Testifying on behalf of the history of the property was Ms. Mary Frantz. Ms. Frantz resides next door to the subject site and has lived there for the past 56 years. She testified that the prior owner of the subject property, Mrs. Glaser, converted the single-family residential dwelling into two separate apartments in 1949. Ms. Frantz has resided adjacent to the subject

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Date 7/15/99
By R. J. [Signature]

site from the time of the conversion of the house into two apartments until the present date. She testified that the subject property has always been utilized as two separate apartments from 1949 up until the present time.

Ms. Margaret Henck, the present owner of the property, purchased the site in 1983. She testified that since 1983, she has remained the owner of the site and has always rented the two apartments located therein. At the present time, she indicated that Ms. Elizabeth Scarpolla, who was present at the hearing, occupies the first floor apartment and a Mr. Robert Johnson occupies the second floor apartment. Mrs. Scarpolla has lived in the first floor apartment for the past 16 years and has raised two sons in that apartment.

The testimony offered by the protestants in the case, Ms. Piunti and Ms. Messina, was that they have had considerable problems with the tenants who reside in the two apartments. The protestants complained of loud noise, parties and trash adversely affecting their house which is directly across Wycliffe Road from the subject property. Ms. Piunti and Ms. Messina both testified that they have had words with the two teenage sons of Ms. Scarpolla and have had to call the police on several occasions. They are most concerned about the problems these tenants have caused to the surrounding neighborhood.

While Ms. Piunti and Ms. Messina complained about the nuisances caused by the tenants, Ms. Frantz, who lives directly next door to the subject site, testified that she has witnessed no adverse affects by the tenants who live in the Petitioner's house. Ms. Frantz testified that the two teenage sons of Ms. Scarpolla are polite and respectful of her and she has not witnessed any loud noise or parties coming from the subject property. Furthermore, Mr. Michael Anders, who lives at 2607 Wycliffe Road, who was also present at the hearing, testified that he has not witnessed any adverse behavior from the tenants in the subject property.

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DATE 7/15/99

BY R. Johnson

While the testimony regarding the behavior of the tenants was contradictory in nature, the testimony regarding the historical use of the property was uncontradicted. The testimony clearly evidenced that the subject property has been used as a two-apartment dwelling from 1949 to the present continuously and uninterrupted. There was no testimony to the contrary. Therefore, based on the testimony and evidence presented, I find that the Petitioner has met their burden and has in fact established that the subject house is a legal, nonconforming two apartment dwelling.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. The Petitioner is merely requesting the special hearing relief to allow the continuation of the existing conditions on the property. Nothing new is being requested by the Petitioner. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, MD., 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Deputy Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

- (a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature and kind;
- (c) Does the current use have a substantial different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, MD., supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, and as such, enjoys a legal nonconforming use.

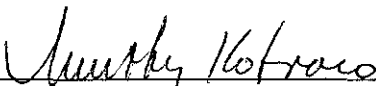
The facts and evidence clearly establish a nonconforming status of this property as a two-apartment dwelling. Unfortunately, the behavior of the tenants who reside on the subject property is not relevant to the special hearing request. It is a matter that must be handled by the police or Baltimore County Code Enforcement. The only testimony relevant to the hearing before me regarded the historical use of the subject site.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, the special hearing request shall be approved.

ORDER RECEIVED FOR FILING
Date 7/15/99
By R. J. [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of July, 1999, that the Petitioner's Special Hearing request to permit the continued use of the subject property as a two-apartment dwelling with existing off-site parking as a nonconforming use, be and is hereby GRANTED.

Any appeal of this decision must be taken within the thirty (30) day appeal period from the date of this Order has expired.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED FOR FILING
7/15/99
by J.R. [signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 16, 1999

James H. McAteer, Esquire
305 W. Chesapeake Avenue, Suite 100
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 99-475-SPH
Property: 2606 Wycliffe Road

Dear Mr. McAteer:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

C: Ms. Margaret B. Henck
Mr. James S. Patton, P.E.
Ms. Kim Piunti
Ms. Pam Messina

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County for the prop

For property located at 2606 Wycliffe Road, Parkville
which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print N/A

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name/Type or Print James H. McAteer, P.A.

Signature [Signature]

Company [Signature]

Address 306 W. Chesapeake Ave., Suite 100 Telephone No. (410) 296-7430

Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Name - Type or Print Margaret B. Henck

Signature _____

Name - Type or Print _____

Signature [Signature]

Address 302 Cranbrook Road, Telephone No. 410-666-7526

City Cockeysville, State MD Zip Code 21030

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

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City State Zip Code

City State Zip Code

City State Zip Code

City State Zip Code

Case No. 99-475-SPH

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BH Date 5/25/99

ATTACHMENT

**PETITION FOR SPECIAL HEARING
2606 WYCLIFFE ROAD**

TO PERMIT THE CONTINUANCE OF THE USE OF THE SUBJECT
PROPERTY FOR A TWO-APARTMENT DWELLING WITH EXISTING
OFF-SITE PARKING.

PATTON

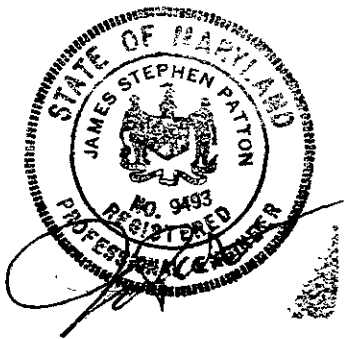
Patton
Consultants
Ltd.
Engineering
& Site
Planning

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE NORTH EAST SIDE OF WYCLIFFE ROAD WHICH IS FORTY (40') FEET WIDE AT THE DISTANCE OF 265 FEET NORTH EAST OF THE NEAREST IMPROVED INTERSECTING STREET PARK DRIVE WHICH IS FIFTY (50') FEET WIDE. THENCE THE FOLLOWING COURSES AND DISTANCES:

SOUTH $51^{\circ} 01'$ EAST 40 FT.,
NORTH $38^{\circ} 59'$ EAST 125 FT.,
NORTH $51^{\circ} 01'$ WEST 40 FT.,
SOUTH $38^{\circ} 59'$ WEST 125 FT.,

TO THE PLACE OF BEGINNING AS RECORDED IN DEED LIBER 6594 FOLIO 258 BEING LOT #41 & #42, BLOCK 5, IN THE SUBDIVISION OF HARFORD PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK W.P.C. 5 FOLIO 62, CONTAINING 5,0000 SQUARE FEET. ALSO KNOWN AS 2606 WYCLIFFE ROAD AND LOCATED IN THE 9TH ELECTION DISTRICT.



99-475-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 066394

DATE 5/25/99 ACCOUNT 120016150

AMOUNT \$ 250.00

RECEIVED FROM: Hunk

FOR: Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

1400 475

99-475-SPH

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTUAL TIME
5/25/1999 5/25/1999 15:32:39
REG 4504 CASHIER JOKR JLK DRAWER 5
Dept 5 520 ZINING AFFECTION
Receipt # 073753
CR NO. 066394

Receipt Tot 250.00
250.00 OK
Baltimore County, Maryland

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-475-SPH
2606 Wycliffe Road
N/S Wycliffe Road, 260' SE
of centerline Park Drive
9th Election District
6th Councilmanic District
Legal Owner(s):

Margaret B. Henck

Special Hearing: to permit the continuance of the use for a two-apartment dwelling with existing off-site parking.

Hearing: Tuesday, July 13, 1999 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/368 June 24 C321389

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/24/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/24/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-475-SPH
PETITIONER/DEVELOPER:
[Margaret B. Henck]
DATE OF Hearing
[July 13, 1999]

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
2606 Wycliffe Road Baltimore , Maryland 21234_____

The sign(s) were posted on _____ 6-28-99 _____
[Month, Day, Year]

Sincerely,

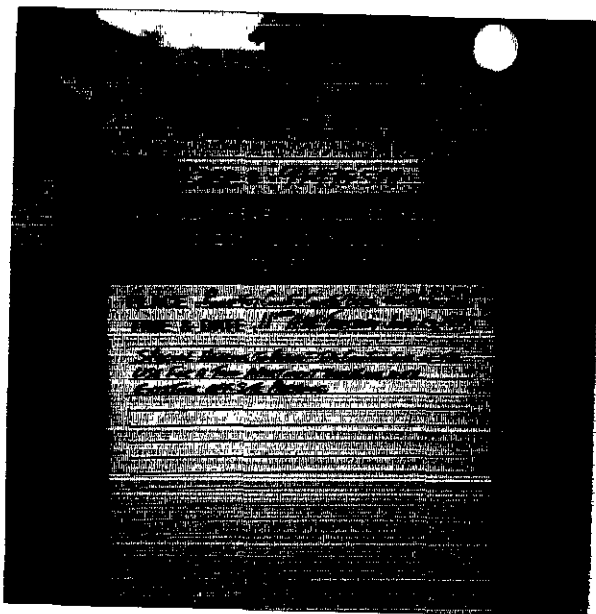

[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ [410]-687-8405 _____
[Telephone Number]



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-475-SPH
Petitioner: MARGARET B. HENCK
Address or Location: 2606 WYCLIFFE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MRS. MARGARET B. HENCK
Address: 302 CRANBROOK ROAD
COCKEYSVILLE, MD. 21030
Telephone Number: 410-666-7826

Revised 2/20/98 - SCJ

99-475-SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 11, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-475-SPH
2606 Wycliffe Road
N/S Wycliffe Road, 260' SE of centerline Park Drive
9th Election District – 6th Councilmanic District
Legal Owner: Margaret B. Henck

Special Hearing to permit the continuance of the use for a two-apartment dwelling with existing off-site parking.

HEARING: Tuesday, July 13, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the number "45" written below it.

Arnold Jablon
Director

c: James H. McAteer, Esquire
Margaret Henck
James S. Patton
Pam Mersini

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 28, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
June 24, 1999 Issue – Jeffersonian

Please forward billing to:

Mrs. Margaret B. Henck
302 Cranbrook Road
Cockeysville, MD 21030

410-666-7826

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-475-SPH

2606 Wycliffe Road

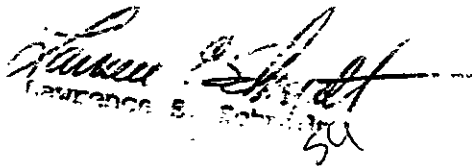
N/S Wycliffe Road, 260' SE of centerline Park Drive

9th Election District – 6th Councilmanic District

Legal Owner: Margaret B. Henck

Special Hearing to permit the continuance of the use for a two-apartment dwelling with existing off-site parking.

HEARING: Tuesday, July 13, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 1, 1999

James H. McAteer, P.A.
305 W. Chesapeake Avenue, Suite 100
Towson, MD 21204

Dear Mr. McAteer:

RE: Case No.: 99-475-SPH, Petitioner: Henck,
Location: 2606 Wycliffe Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 25, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

c: James S. Patton, P.E., 305 W. Chesapeake Ave., Ste 206, Towson 21204

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 3, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - DR
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 475
PETITIONER: Mararet B. Henck

VIOLATION CASE NO.: 99-0638

LOCATION OF VIOLATION: N/S Wycliffe Road, 260' SE of centerline Park
Drive (2606 Wycliffe Road)
9th Election District

DEFENDANT(S): Mararet B. Henck

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Pam Mersini

2605 Wycliffe Road
Baltimore, MD 21234

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/dr/lmh



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

June 16, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467,
468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 479,
480, 483, 484, AND 485

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

RECEIVED JUN 21 1999

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 16, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for June 14, 1999
Item Nos. 456, 459, 460, 461, 462,
464, 466, 467, 468, 469, 471, 472,
474, 475, 476, 477, 482, 483, 484,
& 485

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC06149.NOC

RECEIVED JUN 21 1999

6/16/99
WJH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 15, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

RECEIVED JUN 18 1999

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 459, 460, 469 and 475

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: 

AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 6 . 4 . 9 9

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 475 BR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
2606 Wycliffe Road, N/S Wycliffe Rd,
260' SE of c/I Park Dr
9th Election District, 6th Councilmanic

Legal Owner: Margaret B. Henck
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-475-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to James H. McAteer, Esq., 305 W. Chesapeake Avenue, Suite 100, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN

PROTESTANTS

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Kim Pionti

Pam Messina

2605 Wycliffe Rd

2605 Wycliffe Rd

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

~~Dennis H. Hudson Esq~~
Margaret B Henck
JAMES S. PATTON
NANCY Critchfield
Elizabeth Searpulle
Mary Frantz
Michael S. Anders

302 Cranbrook Rd, Cockeysville
305 W. CHEAPSTEAD AVE #206 MD 21030
2610 Wycliffe Road
2606 Wycliffe Rd 1st floor
2604 Wycliffe Rd - 21234
2607 Wycliffe Rd 21234



AFFIDAVIT

I, Barbara L. Glaeser of 2825 Hill Top Drive, Manchester, Maryland 21102, certify and affirm that the following statements are true and correct to the best of my knowledge and belief:

1. My parents acquired 2606 Wycliffe Road, Baltimore, Maryland 21234 approximately sixty three (63) years ago.
2. After having secured a Baltimore County building permit, my mother had constructed a dwelling unit on the second floor of 2606 Wycliffe Road over fifty (50) years ago.
3. I lived with my mother while I was attending high school in this dwelling unit. At that time, the first floor of this dwelling was rented to tenants.
4. During 1967, due to my mother's physical infirmities, she moved to the first floor, at which time the second floor unit was rented.
5. Until my mother sold 2606 Wycliffe Road to Mrs. Margaret B. Henke and Arthur W. Henke in 1983, the second floor apartment had been continuously occupied and rented to tenants.
6. During the time that my mother owned 2606 Wycliffe Road, she was never cited, to my knowledge, with regard to 2606 Wycliffe Road being a two family dwelling, nor did she ever receive any complaints from neighbors concerning this fact.

Witness: Sandra M. Haddaway

Barbara L. Glaeser [SEAL]
Barbara L. Glaeser

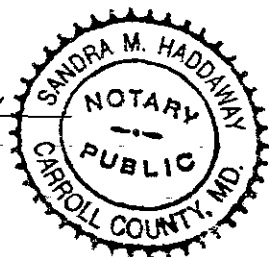
STATE OF MARYLAND
CITY/COUNTY OF

On this 6th day of July, 1999, before me, a Notary Public of the said State, personally appeared **BARBARA L. GLAESER** known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Affidavit and did acknowledge that she executed the same for the purposes therein contained.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal.

Sandra M. Haddaway
Notary Public

My Commission Expires: 02/2001



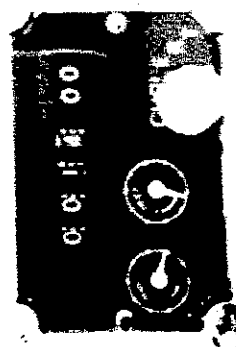
Pet Ex 1

Ref Ex 2A



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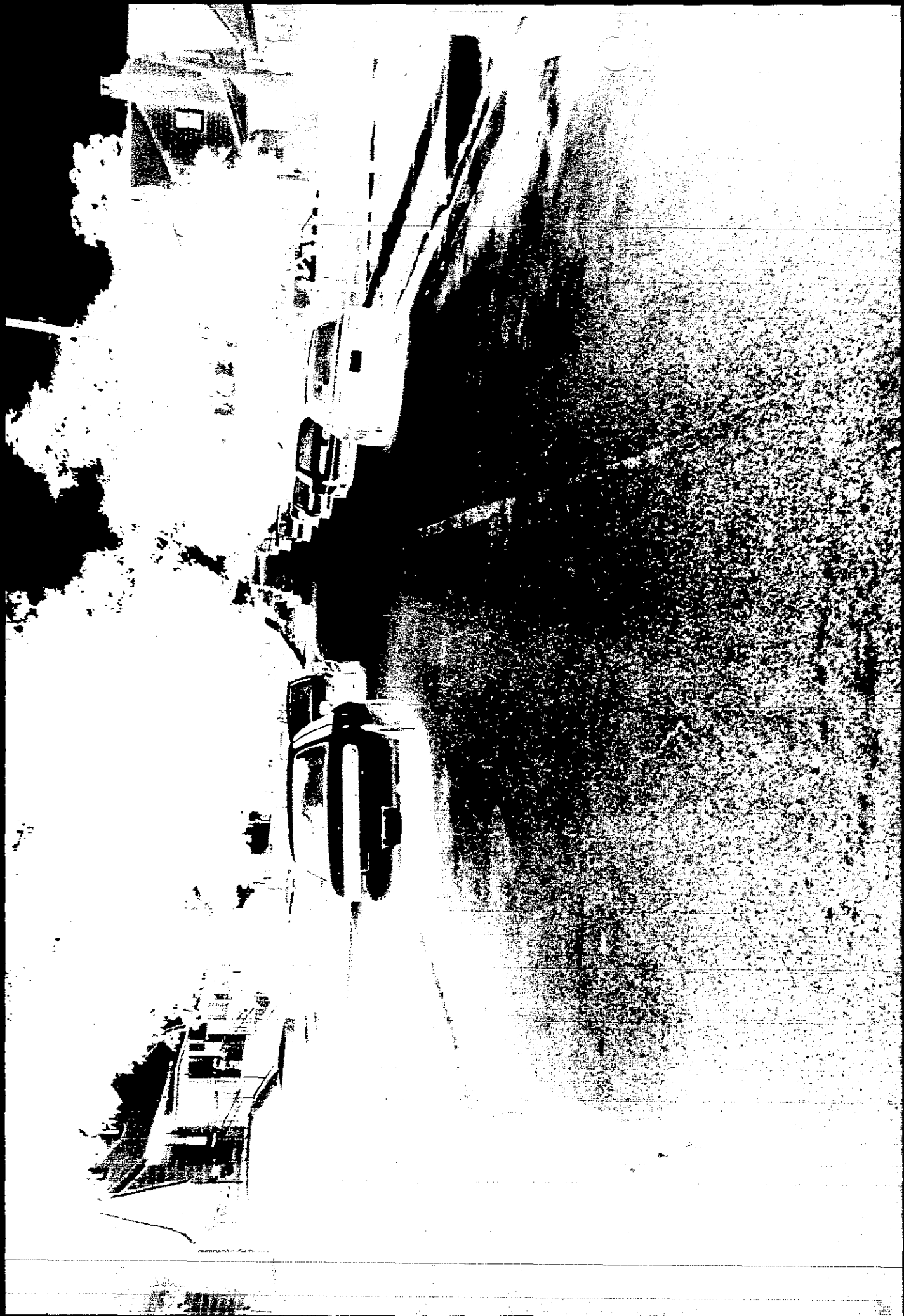
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2B



20



21



26



5550 Sterrett Place
Suite 100

Columbia, Maryland 21044

Savanna Park

540 Baltimore-Annapolis Blvd.
Savanna Park, Maryland 21146

Northwest

304 Reisterstown Road
Baltimore, Maryland 21208

Chas. H. Steffey

EXECUTIVE OFFICES: 2 E. FAYETTE ST., BALTO., MD. 21202

Harford

North

3001 Emmorton Road
Abingdon, Maryland 21009

1650 East Joppa Road
Towson, Maryland 21204

Greater Annapolis

South

2510 Riva Road
Annapolis, Maryland 21401

52 W. Central Avenue
Edgewater, Maryland 21037

Downtown Annapolis

4 Church Circle
Annapolis, Maryland 21041

West

9338 Baltimore Nat'l. Pike
Ellicott City, Maryland 21043

Crofton

1667 Crofton Center
Crofton, Maryland 21114

This is a legally binding agreement. If you do not understand the Agreement or any aspect of this transaction please seek legal advice.

THIS AGREEMENT OF SALE, made this 6th day of August, 19 83, by and between

MARGARET B. HENCK AND ARTHUR W. HENCK Seller, Buyer,

(Buyer's Address) 102 Cranbrook Road, Cockeysville, MD 21030

WITNESSETH: that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former all that real property situate and lying in BALTIMORE COUNTY County/City State of Maryland, being known as 2606 Wyoliffe Road ZIP CODE 21234

TITLE REFERENCE: LIBER 1724 (GR 6244) Folio 136 12/48 (GR 26 12/80)

In Fee simple [or subject to an existing annual ground rent of \$ NONE], pursuant to the terms of a lease recorded among the Land Records of the County aforesaid; and together with all improvements thereupon and all fixtures now in or on the property, including, without limiting the generality thereof, the stove, dishwasher, light fixtures, screens, shades, storm doors and windows, wall-to-wall carpeting, curtain and drapery rods, shrubbery, trees and plants, IF ANY, AS NOW INSTALLED, and heating fuel existing as of settlement date.

Also including two (2) ranges and one (1) refrigerator.

(hereinafter called the "Property")

2. PURCHASE PRICE. Price for the Property shall be FIFTY SEVEN THOUSAND FIVE HUNDRED Dollars (\$ 57,500.00) of which ONE THOUSAND Dollars (\$ 1,000.00)

have been paid by way of a check prior to the signing hereof, and the balance to be paid as follows:

AN ADDITIONAL SUM OF N/A Dollars (\$ 0.00)

to be paid in cash on or before 19 (All such payments prior to settlement hereinafter called the "deposit").

THE FINAL BALANCE OF PURCHASE PRICE FIFTY SIX THOUSAND FIVE HUNDRED Dollars (\$ 56,500.00) to be paid in cash at the time of settlement and transfer which shall be on or before September 16, 1983

at which time possession shall be given, and the plumbing, heating, air conditioning (if any), appliances, and well and septic systems, if applicable, shall be in working order. Seller shall be responsible for making plumbing, heating, and/or well and septic systems operable after settlement only in the event Seller receives written notification within five days after settlement from a licensed plumber, electrician or contractor stating that (1) such system is not in working order and (2) in his best judgment the system was not operable on the date of settlement.

8. FINANCING/CONTINGENCY. This agreement of Sale is wholly contingent upon Buyer, or their agents, obtaining a written commitment (not contingent upon the sale of other real estate) by September 13, 1983, for a conventional purchase money mortgage in the amount of \$ 54,800.00 for a term of not less than 25 years, at an interest rate not to exceed 13.50 % per year, otherwise, this Agreement shall become null and void and the deposit shall be returned to Buyer. Buyer expressly agrees to make application in good faith for said mortgage within five (5) banking days from the date hereof. Any action by the Purchaser resulting in his disqualification for financing as specified including, without limitation, misrepresentation in any credit or application form, failure to apply for financing and pursue the same diligently (including resubmission and appeal where necessary) or application for a mortgage in greater principal amount than above will be a default on the part of the Purchaser under the terms of this Agreement, whereupon Seller may terminate this Agreement and declare the deposit hereinabove described forfeited by written notice mailed to Buyer. Notwithstanding the interest rate stated herein, buyers utilizing an FHA or VA loan agree to settle the loan at the highest legal interest rate prevailing at time of settlement. Seller agrees to pay up to 4.5% of mortgage as loan discount points.

4. SPECIAL PROVISIONS. Special provisions in attached addendum, bearing the signatures of all parties concerned, are hereby made a part of this Agreement.

ADDENDUM ATTACHED X YES NO

5. AGENCY. The Seller recognizes CHAS. H. STEFFEY, INCORPORATED/Champion Investment RE as the Listing Broker negotiating this Agreement and agrees to pay a brokerage fee for services rendered in accordance with the terms of the listing agreement between seller and broker. This fee is earned when this Agreement has been executed by Buyer and Seller whereupon it becomes binding upon the parties. Failure or inability of Seller to perform shall not release Seller from liability for the brokerage fee. As a convenience to Seller and not as a limitation upon Seller's above-stated liability for the brokerage commission when this Agreement becomes binding, the party making settlement is hereby authorized and directed to deduct the aforesaid brokerage fee from the proceeds of the sale and pay the same to the Broker(s). The entire deposit shall be held by the Listing Broker and shall be placed in an escrow account in accordance with the real estate license law. Neither the brokers nor their agents shall have any responsibility for the condition of the Property or the performance of this Agreement.

6. SPECIAL CONDITIONS: Seller agrees to provide to buyer evidence that property is zoned for use as a two apartment dwelling. If such evidence is not provided within 15 days from the ratification of this agreement, the agreement shall become null and void and deposit returned to the buyers. Property is to be vacant at the time of settlement.

Arthur W. Henck
Witness
William Thomas
Witness
D. J. Henck
Witness

Stacy V. Lachner (SEAL) 8/7/83
Seller's Signature Date
Barbara L. Lachner (SEAL) 8/2/83
Seller's Signature Date
Margaret B. Henck (SEAL) 8/6/83
Buyer's Signature Date
Arthur W. Henck (SEAL) 8/6/83
Buyer's Signature Date

Effective Date of Agreement

(last date above)

TERMS AND CONDITIONS ON REVERSE SIDE ARE PART OF THIS AGREEMENT

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 8, 1983

Mrs. Barbara L. Glaeser
2825 Hill Top Drive
Manchester, Maryland 21102

RE: Conditional Acceptance of
Alleged Nonconforming Use
2606 Wycliffe Road -
9th Election District

Dear Mrs. Glaeser:

Based upon the Notarized Affidavits (copies enclosed) signed by Mary B. Frantz, Warner E. Ransone, and Ilse M. Ransone, this office conditionally accepts the above-referenced property/use, zoned Density, Residential (D.R.5.5), as having a nonconforming use status for a two-apartment dwelling. Said acceptance is subject, however, to the following conditions:

1. It is understood by all concerned that this acceptance does not establish an irrefutable presumption of a legal nonconforming use status for this property.
2. This decision is based upon the understanding that the use in question presently exists and the Notarized Affidavits establish a reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance.
3. In the event of a challenge, this approval is automatically rescinded and, to be reestablished, a public hearing would be required.
4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question.

Very truly yours,


ARNOLD JABLON
Zoning Commissioner

AJ:JED:nr
Enclosures

cc: Mr. James E. Dyer, Zoning Supervisor

Pet Ex #4



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

July 16, 1986

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mrs. Margaret Henck
302 Cranbrook Road
Cockeysville, Maryland 21030

RE: Conditional Acceptance of Alleged
Nonconforming Use
2606 Wycliffe Road
9th Election District

Dear Mrs. Henck:

Based upon the Notarized Affidavits signed by Mrs. Christchfield and Wilbur E. Thomas, and letter dated August 8, 1983 from Arnold Jablon to Mrs. Barbara L. Glasser (attached), this office conditionally accepts the above-referenced property/use, zoned Density Residential (D.R.5.5), as having a nonconforming use status for a two-apartment dwelling. Said acceptance is subject, however, to the following conditions:

1. It is understood by all concerned that this acceptance does not establish an irrefutable presumption of a legal non-conforming use status for this property.
2. This decision is based upon the understanding that the use in question presently exists and the Notarized Affidavits establish a reasonable basis to permit a continuance of the use pending a challenge by any interested citizen of this conditional acceptance.
3. In the event of a challenge, this approval is automatically rescinded, and to be reestablished, a public hearing would be required.
4. In the event of a challenge, the burden of proof is entirely upon the owner of the property in question.

Sincerely,

Arnold Jablon/KKB

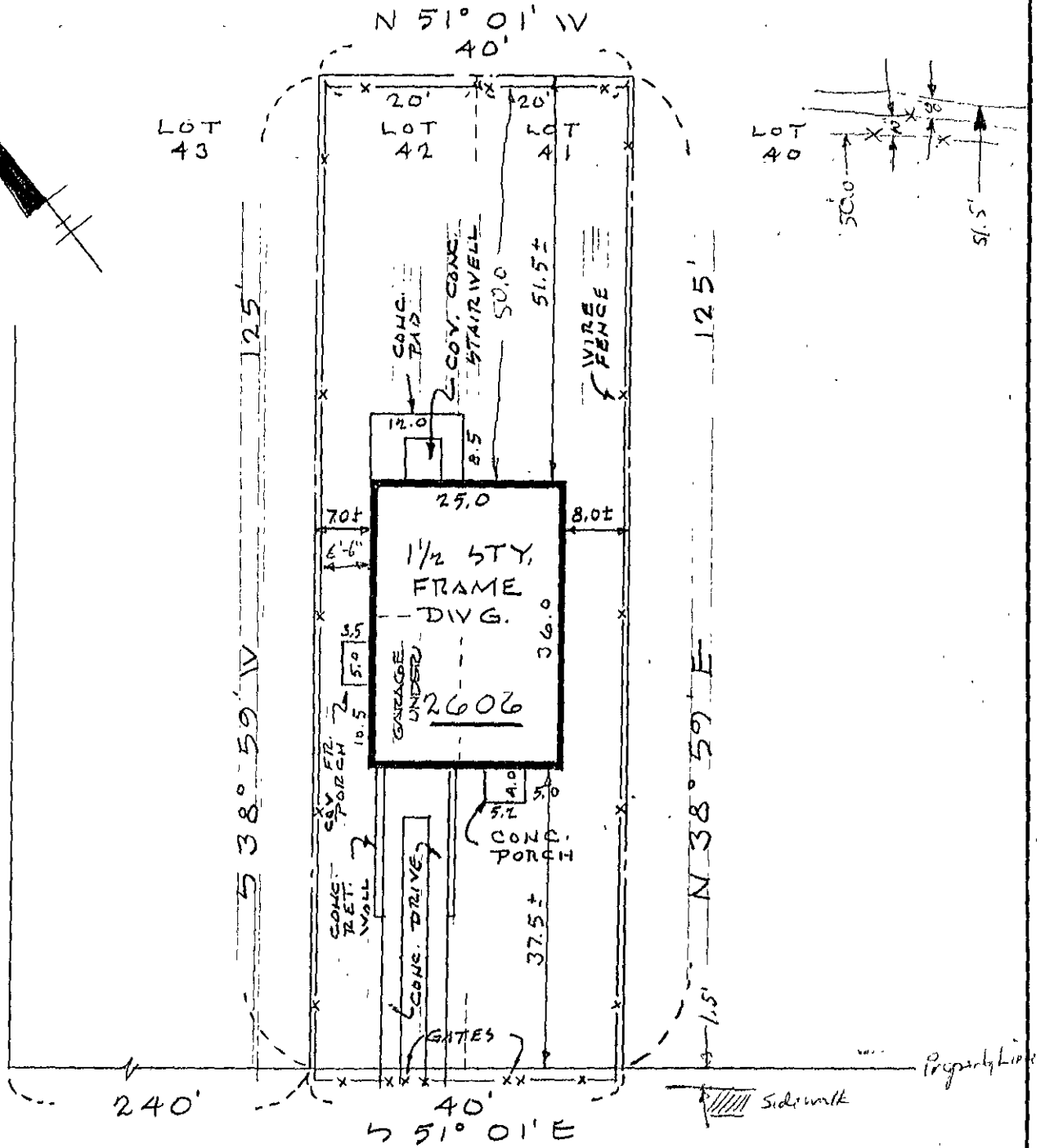
ARNOLD JABLON
Zoning Commissioner

no problem
AJ:JED:kkb
MS001

cc: Mr. James E. Dyer, Zoning Supervisor

Ref Ex #5
2. in Roup
111 West Chesapeake Dr.
Towson, MD 21204
Dept. of Permits & Dev. Asst.

PARK DRIVE
(50 FT. WIDE)



WYCLIFFE ROAD
(40 FT. WIDE)

Ref Ex #6

This reproduction subject to 1% reduction in scale.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

Lots 41 & 42, Block 5, Plat of HARFORD PARK, Plat Book W.P.C. No. 5, Folio 62

This plat is not to be used for the establishment of property lines.

REG. NO. 8675



LOCATION SURVEY
2606 WYCLIFFE ROAD, BALTIMORE COUNTY, MARYLAND

SCALE
1"=20'

OFFICE OF
MANK & KUNST
408 YORK ROAD
TOWSON, MARYLAND 21204

DATE
6/28/86

JOB NO.
824
86 D

887-3953 - for fence permits

Pattin Consultants Ltd., Engineering & Site Planning
305 West Chesapeake Avenue, Suite 118
P.O. Box 10000, Maryland 21204
410-206-2140 Fax: 410-206-0419

BALTIMORE ZONING

MAR 5 NE. 7C ≠ NE. 7D

HEINCK PRDP. - 2000 WVG 1155

DATE: 5/29/99

DRAWN:

СНИЖКА:

10134

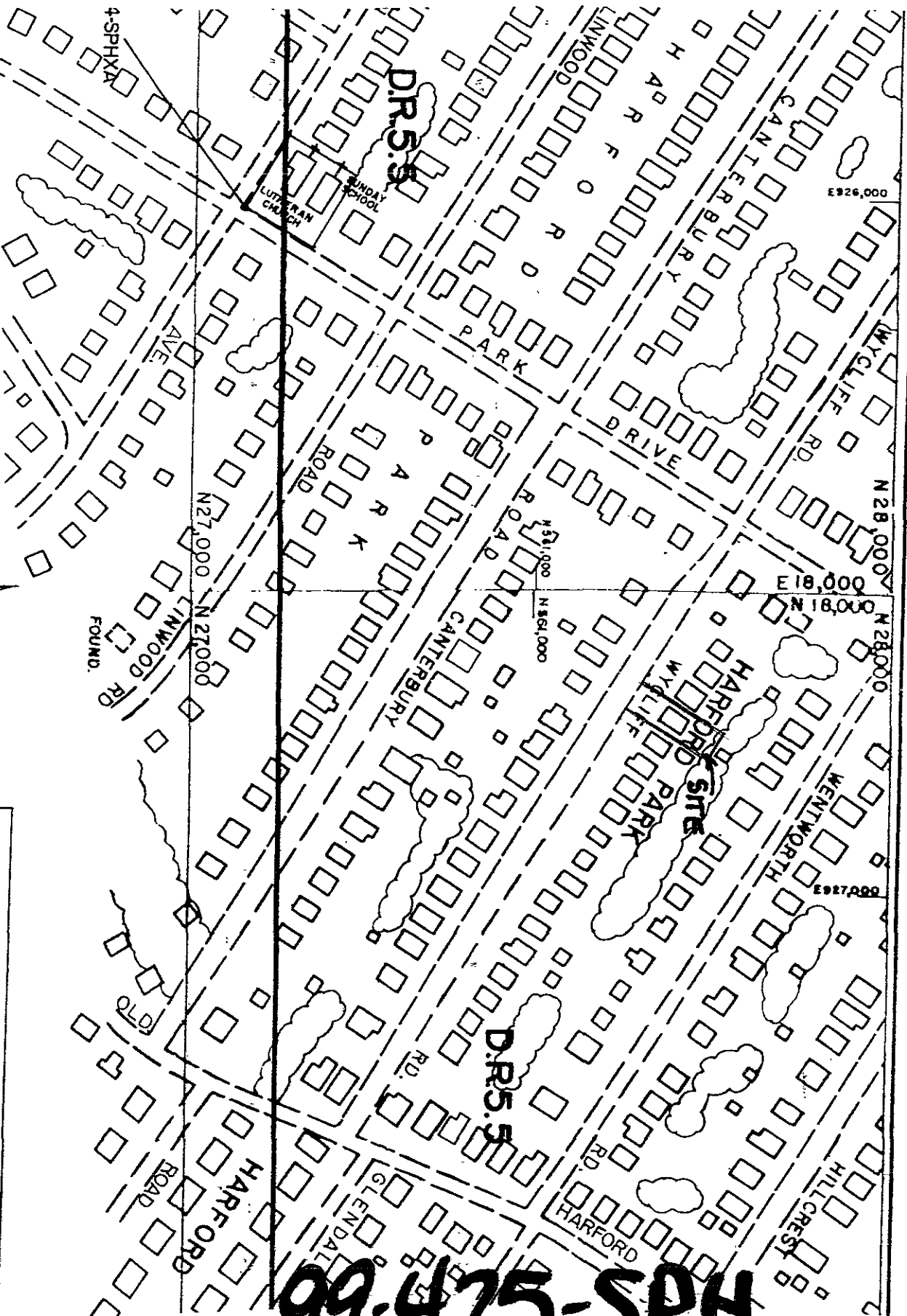
SCALE

Page 17

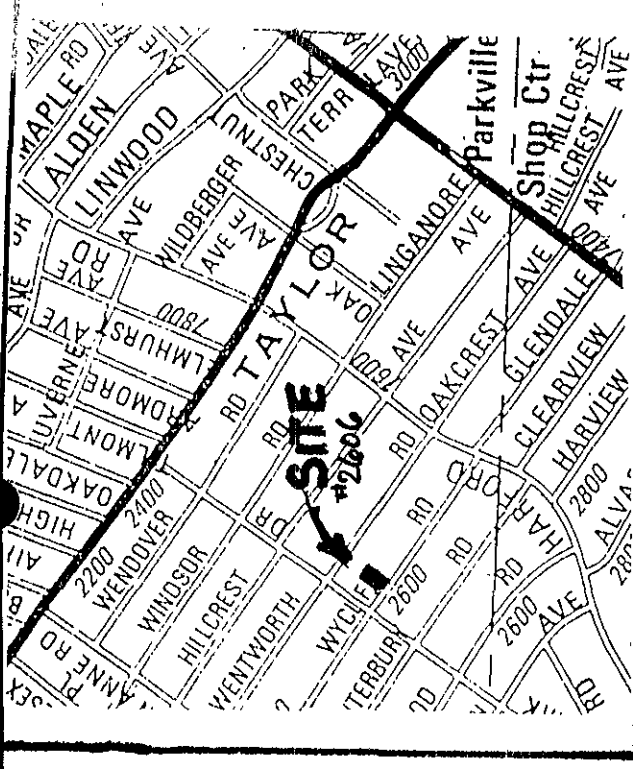
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D.R. Co.

99-475-SPH



#475



VICINITY MAP

NOTES:

1. ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 6
2. GROSS ACREAGE 5,808 S.F. ± = 0.133 ACRES ±
NET ACREAGE 5,000 S.F. ± = 0.115 ACRES ±
3. NO PREVIOUS COMMERCIAL PERMITS
4. NO PREVIOUS ZONING HEARINGS. C.R.G.'S OR WAIVERS ARE OF RECORD. ON AUGUST 8, 1983, THE PREVIOUS OWNER, BARBARA L. GLAESER RECEIVED A LETTER OF CONDITIONAL ACCEPTANCE OF ALLOWED NON-CONFORMING USE SIGNED BY ARNOLD JABLON, ZONING COMMISSIONER
5. THE PARCEL AND SURROUNDING NEIGHBORHOOD IS ZONED D.R. - 5.5 MAP No. N.E.-7D
6. OWNERSHIP MARGARET B. HENCK
DEED 6594/258
TAX ACCT: 0912000620
MAP 81 PARCEL 785 LOT 41 & 42
7. NO SIGNS EXIST ON SITE
8. NO STREAMS, STORM WATER MANAGEMENT SYSTEMS, DRAINAGE EXISTS ON OR WITHIN 50 FEET OF THE PROPERTY
9. F.A.R. - NOT APPLICABLE
10. A.O.S. - NOT APPLICABLE
11. PARKING REQUIRED 2 UNIT - 4
PARKING PROVIDED AS EXISTING - 2 OFF-SITE - 2 ON-SITE

Violation # 112173-D. Rick

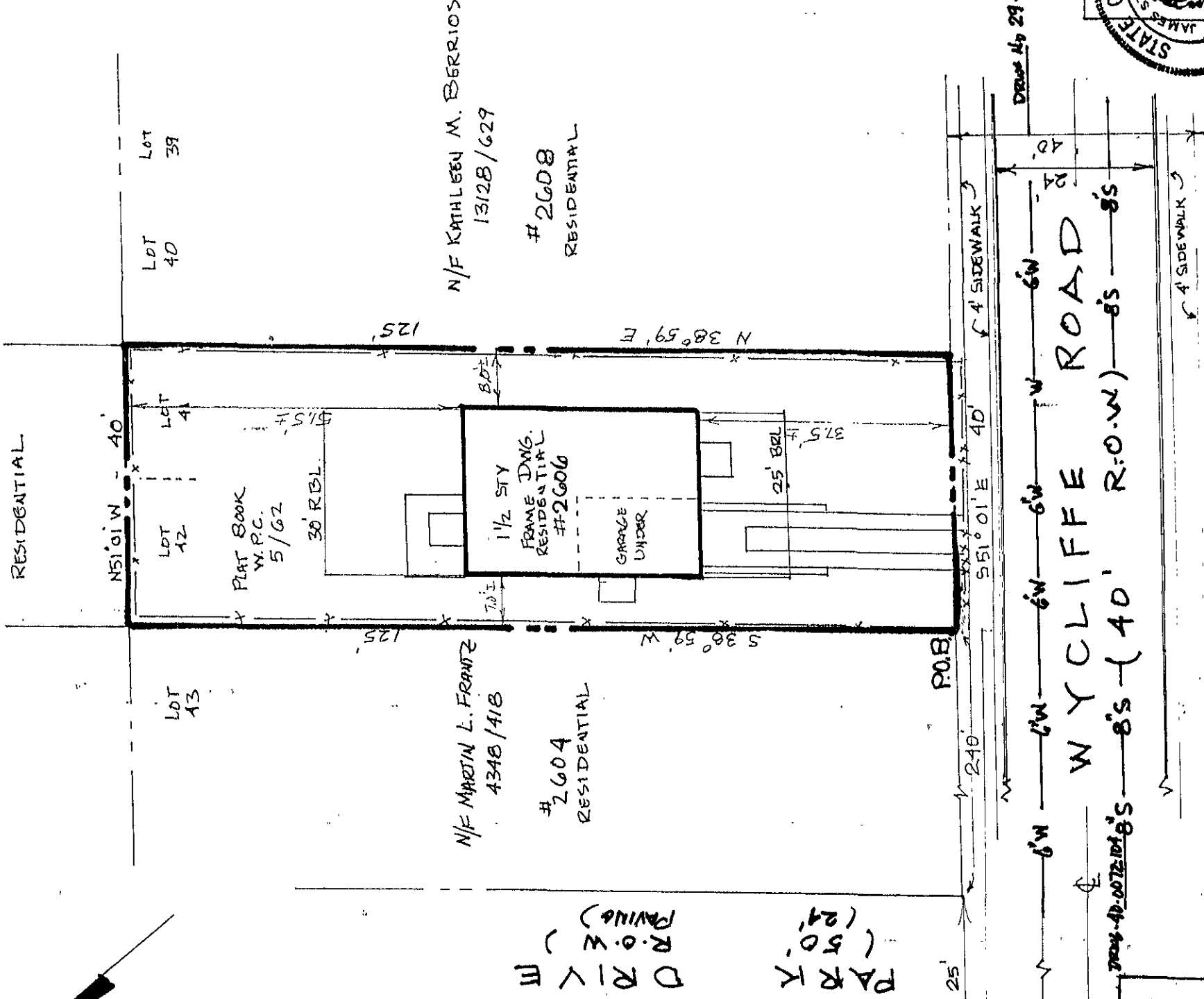
99-475-SPH

PLAN TO ACCOMPANY
SPECIAL HEARING

MARGARET B. HENCK
2606 WYCLIFFE ROAD

DATE: 5/21/97

CHECKED: JSC JOB# 99172 SCALE: 1"=20' SHEET 1/1



PATTON

Patton Consultants Ltd., Engineering & Site Planning
305 West Chesapeake Avenue, Suite 206
Towson, Maryland 21204
(410) 296-2140 Fax: (410) 296-0419

#475

